

Art Unit 2145
Serial No. 09/823,725

Reply to Office Action of: 05/02/2005
Attorney Docket No.: K35A0785

REMARKS

AMENDMENTS TO THE CLAIMS:

Claims 1, 11, 12, and 17 are pending. Claims 2-10, 13-16, and 18-26 were canceled in a previous preliminary amendment. Claims 1 and 17 have been amended in the present response. All amendments are fully supported by the specification as originally filed.

REJECTION UNDER 35 USC 112, FIRST PARA.:

The Examiner rejects claims 1, 11, 12, and 17 for failing to comply with the written description and enablement requirements. Specifically, the Examiner asserts that the specification as originally filed fails to disclose "executing the executable upon boot-up" (May 2 Office Action, p. 2, para. 3-4), but that the specification does disclose that "the executable file could be in a startup folder." Applicant has amended claim 1 to replace the language that the Examiner considers objectionable with "the operation comprises storing the executable file in a startup folder of the client computer" and has amended Claim 17 to replace the language that the Examiner considers objectionable that "the operation comprises storing the executable file in a startup folder of the at least one client computer." As noted by the Examiner, these limitations are disclosed in the specification as originally filed. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 1, 11, 12, and 17 under 35 USC 112, first paragraph.

REJECTION UNDER 35 USC 103(a):

The Examiner rejects Claims 1, 11, 12, and 17 under 35 USC 103(a) as being obvious over U.S. Patent No. 6,523,022 issued to Hobbs ("*Hobbs*") in view of U.S. Patent No. 6,802,061 issued to Parthasarathy et al. ("*Parthasarathy*"). Applicant respectfully traverses these rejections. Applicant has amended claim 1 to recite "the operation comprises storing the executable file in a startup folder of the client computer" and has amended Claim 17 to recite "the operation comprises storing the executable file

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in a startup folder of the at least one client computer." Neither *Hobbs* nor *Parasarathy* teaches, suggests, or discloses the quoted limitations. *Hobbs* provides no teaching at all with respect to storing an executable file in a startup folder based on a rule in a key file. *Parasarathy* discloses a status code parameter CIP_NEED_REBOOT used to indicate that "The self-extracting EXE or 'hook' (either Win32 INF section or a custom setup program hook run using the run =<cmd-line>) in the hook section updated components in use that can only be used after reboot." But *Parasarathy* does not teach, suggest, or disclose storing an executable file in a startup folder of a client computer based on a rule in a key file. For at least these reasons, the *Hobbes-Parasarathy* combination does not render Claims 1 and 17 obvious. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1 and 17 and dependent Claims 11 and 12.

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CONCLUSION

In view of the foregoing amendments and/or remarks, Applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: August 30, 2005

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